

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE  
ON DISARMAMENT

ENDC/PV.369  
22 February 1968  
ENGLISH

THE UNIVERSITY  
OF MICHIGAN

APR 29 1968

DOCUMENT  
COLLECTION

FINAL VERBATIM RECORD OF THE THREE HUNDRED AND SIXTY-NINTH MEETING

held at the Palais des Nations, Geneva,  
on Thursday, 22 February 1968, at 10.30 a.m.

Chairman:

Mr. N. ECOBESCO

(Romania)

GE.68-3412  
68-06906

Brazil:

Mr. J.A. de ARAUJO CASTRO  
Mr. C.A. de SOUZA e SILVA  
Mr. E. MOREIRA HOSANNAH  
Mr. A. da COSTA GUIMARAES

Bulgaria:

Mr. K. CHRISTOV  
Mr. B. KONSTANTINOV

Burma:

U KYAW MIN

Canada:

Mr. E.L.M. BURNS  
Mr. A.G. CAMPBELL  
Mr. J.R. MORDEN  
Mr. A. BERNIER

Czechoslovakia:

Mr. P. WINKLER  
Mr. T. LAHODA  
Mr. V. VAJNAR

Ethiopia:

Mr. A. ZELLEKE  
Mr. B. ASSFAW

India:

Mr. M.A. HUSAIN  
Mr. N. KRISHNAN  
Mr. K.P. JAIN

Italy:

Mr. R. CARACCIOLI  
Mr. G.P. TOZZOLI  
Mr. E. FRANCO  
Mr. F. SORO

Mexico:

Mr. A. GOMEZ ROBLEDO  
Mr. A. CARRANCO AVILA

Nigeria:

Alhaji SULE KOLO  
Mr. B.O. TONWE

Poland:

Mr. M. BLUSZTAJN  
Mr. E. STANIEWSKI  
Mr. S. DABROWA

Romania:

Mr. N. ECOCOBESCO  
Mr. O. IONESCO  
Mr. C. GEORGESCO  
Mr. A. COROIANU

Sweden:

Mr. A. EDELSTAM  
Mr. R. BOMAN  
Mr. U. ERICSSON

Union of Soviet Socialist  
Republics:

Mr. A.A. ROSHCHIN  
Mr. O.A. GRINEVSKY  
Mr. V.V. SHUSTOV  
Mr. V.B. TOULINOV

United Arab Republic:

Mr. H. KHALLAF  
Mr. O. SIRRY  
Mr. M. SHAKER

United Kingdom:

Mr. I. F. PORTER  
Mr. R.I.T. CROMARTIE

United States of America:

Mr. S. DePALMA  
Mr. L.D. WEILER  
Mr. C.G. BREAM  
Mr. A.F. NEIDLE

Special Representative of the  
Secretary-General:

Mr. D. PROTITCH

1. The CHAIRMAN (Romania) (translation from French): I declare open the 369th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.

2. Mr. BLUSZTAJN (Poland) (translated from French): This Committee is now entering the final phase of its work. It must now examine the ideas, suggestions and amendments which have been submitted, so as to arrive at a text which will reflect the general opinion as far as possible. Once that stage of the negotiations has been completed, our co-Chairmen can begin to draft the report, on which the Committee will have to give its opinion before referring it to the United Nations General Assembly, at the latest by 15 March.

3. I note with satisfaction that the discussion which has taken place during the last few weeks shows there is an agreement of views on the general principles governing the draft treaty. We all agree in affirming that the spread of nuclear weapons is an evil, and that an increase in the number of countries possessing nuclear weapons would make the international balance even more precarious and would jeopardize world peace and the survival of humanity.

4. Some of our colleagues are concerned about the continuation, indeed the acceleration, of the atomic arms race, and believe that the cause of peace would be served even better by stopping not only the dissemination of nuclear weapons but also their further stockpiling. That reasoning is obviously irreproachable; but it seems to me that at this stage of our work we ought to recognize that any attempt to reshape the treaty in that direction would be likely to reopen the entire question and to delay the conclusion of the agreement on which we have all worked for many years in the hope that it would open the way to other negotiations and agreements. The treaty on non-proliferation is only a beginning, a modest one indeed in relation to the immensity of the disarmament problem; but it is essential, indeed inevitable, if we bear in mind all the political, economic and military factors which make up the picture of the international situation.

5. The Polish delegation is convinced that implementation of the treaty on non-proliferation of nuclear weapons will stimulate the negotiating process which should lead to other disarmament measures. But that result for which we all hope will not be obtained through the use of formulas which in any case cannot go beyond a commitment to negotiate, as the parties concerned have always recognized.

6. We understand the amendment (ENDC/215) submitted on 8 February by the Swedish delegation to article VI of the draft treaty (ENDC/192/Rev.1; 193/Rev.1), not as an

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expression of impatience or of warning, but as a manifestation of the desire to make more rapid progress towards disarmament. We share that desire, and it is in that spirit that we shall examine the text of the amendment proposed by the delegation of Sweden. The problem of the cessation of underground nuclear tests has been raised on several occasions during our discussions on the draft treaty on the non-proliferation of nuclear weapons. I do not think I need go over again all the arguments in favour of carrying out the promise contained in the Moscow Treaty (ENDC/100/Rev.1). The position of the Polish delegation in that regard has been stated on several occasions. We also should like to believe that the prohibition of underground tests of nuclear weapons will follow the conclusion of an agreement on non-proliferation.

7. The amendment to the preamble to the treaty proposed by the delegation of Sweden expresses a general desire and therefore deserves very particular attention. That bring us to the Swedish delegation's amendment to article V, which would replace the present text of article V by a text worded as follows:

"Each Party to this Treaty undertakes to cooperate to ensure that potential benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to other States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that States Party to this Treaty may, pursuant to a special agreement, obtain any such benefits through an appropriate international body with adequate representation of non-nuclear-weapon States". (ENDC/216)

8. The Swedish delegation explained to us the scope of this amendment in a statement made by Mrs. Myrdal a few days ago (ENDC/PV.364). I must say that, since in our opinion the changes in wording proposed by the Swedish delegation affect practically only the nuclear Powers, it is for these Powers to take up their position first. It seems to me, however, if I correctly understand the intention of the Swedish delegation which has submitted this amendment to us, that the problem it seeks to solve, namely that of concordance between the aim of the present article V and the objective of the future prohibition of all underground tests, does not arise immediately. In other words, in our opinion, the adoption of the text of article V proposed by the co-Chairmen in no way prejudges the consequences which the atomic Powers will inevitably have to face if they assume the obligation to renounce all underground nuclear tests.

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9. A few more words on the Swedish delegation's amendment to article VIII, concerning quinquennial conferences. As you will recall, the Swedish delegation proposes adding to the present text of paragraph 3 the following passage:

"At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty". (ENDC/215)

10. I should like to say at once that we have always believed that periodic conferences would be justified only to the extent to which they would make it possible to review the application of the treaty in order to determine the degree of its effectiveness. Accordingly it is easy to understand the importance of the first conference, which must take place five years after the entry into force of the treaty. Subsequent meetings would be justified only if exceptional circumstances required them. We consider that a procedure could be devised under which such conferences could be convened. The aim would be, not to institutionalize the periodic meetings, but to create machinery sufficiently flexible to facilitate adaptations which might appear necessary in the light of experience.

11. The Polish delegation has examined with all due attention the amendments submitted by the representative of Brazil (ENDC/201/Rev.2). I do not think I need revert to all the discussion which has taken place in our Committee and which has revealed a unanimity of views concerning the need to close every loophole for the dissemination of nuclear weapons, and a quasi-unanimity of opinion on the danger to the credibility of the treaty that would inevitably result from the adoption of exceptional treatment in favour of nuclear devices for so-called peaceful explosions.

12. Although the Polish delegation considers the present wording of article V satisfactory, it is nevertheless ready to examine any proposal designed the better to safeguard the legitimate interests of the non-nuclear countries wishing to secure the benefits of the peaceful applications of the atom, including the benefits of the use of nuclear explosives. It cannot, however, agree to any amendment to the text of the draft treaty that would limit the scope of this exclusively to nuclear weapons under the pretext that nuclear explosive devices are intended solely for peaceful applications. That explains why my delegation cannot accept the amendments submitted by the delegation of Brazil to articles I, II and IV.

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13. The Polish delegation is also wondering about the appropriateness of the amendment submitted by the delegation of Brazil to article IX, paragraph 3. It will be recalled that the delegation of Brazil proposes that article IX, paragraph 3, should be amended to read as follows:

"This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and -----" --a blank space-- "other States signatory to the Treaty, and the deposit of their instruments of ratification. For the purposes of this Treaty a nuclear-weapon State is the one which has manufactured and exploded a nuclear weapon prior to January 1st, 1967". (ibid.)

If our understanding is correct, the delegation of Brazil considers that the number of countries whose ratification is required under the draft treaty so that the Treaty can enter into force is too small and should be increased considerably.

14. For our part, we consider that the need is to find a formula which would take account both of the need to put the treaty into force without undue delay and to ensure that it enjoys the support of a relatively large number of countries. But we have everything to gain by speeding the process of putting the treaty into force, and I do not see what advantage the international community could derive from a contrary procedure. Nor do I see what harm could result from the entry into force of the treaty for a country which, for reasons we need not discuss, would like to defer its ratification.

15. Our desire and hope to see the treaty on the non-proliferation of nuclear weapons signed and ratified by all States as soon as possible does not prevent us from supporting a procedure which reflects a preference for a more speedy entry into force. Nor do we see any contradiction here, because we are convinced that the best way of ensuring the universality of the treaty as quickly as possible is to demonstrate its effectiveness and its favourable impact on the development of international relations.

16. And now I should like to say in passing, with respect to the problem of the interdependence of ratifications raised by the representative of Sweden, Mrs. Myrdal, on 8 February (ENDC/PV.363, paras.28 et seq.), that the Polish delegation endorses the interpretation formulated yesterday by the representative of the United States in this regard (ENDC/PV.368, para.51).

17. The amendment submitted by the Brazilian delegation to article X in our opinion contains two separate elements. It will be recalled that the delegation of Brazil proposed that article X, paragraph 1 should be amended to read as follows:

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"Each Party shall in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that there have arisen or may arise circumstances related with the subject matter of this Treaty which may affect the supreme interests of its country. It shall give notice of such withdrawal to the Depositary Governments, three months in advance". (ENDC/207/Rev.2)

18. First of all, it seems to us that the Brazilian amendment enables a country to withdraw from the treaty not only when it decides that circumstances likely to affect its supreme interests have arisen, but also when it considers that such circumstances may arise. It would therefore not depend on objective and verifiable facts but could be based on arbitrary hypotheses.

19. Furthermore, the Brazilian amendment omits any reference to the Security Council, which in the opinion of that delegation is not empowered to express an opinion on the political acts of Member countries. If, however, we interpret the meaning of article X correctly, the point is to stress the direct relationship that exists between the reasons which may lead a country to withdraw from the treaty, the situation brought about by its action, and the statutory obligations of the Security Council. Indeed, one is entitled to expect that withdrawal from the treaty will follow the emergence of the extraordinary circumstances affecting the supreme interests of the particular country.

20. One may therefore conclude that a decision to repudiate the obligations resulting from the treaty will not be taken lightly, and that it will certainly be dictated primarily by considerations of national security. The situation which leads to this withdrawal is therefore of direct concern to the Security Council. Furthermore, withdrawal from the treaty by any country is likely to set off a chain reaction, to reactivate the arms race and to endanger international peace. It seems to me that all this justifies the interest which the Security Council must show in regard to any effect which a withdrawal from the treaty on the non-proliferation of nuclear weapons might have on the international balance.

21. Those are the comments that the Polish delegation wished to submit today concerning the first series of amendments submitted for our consideration.

22. Mr. PORTER (United Kingdom): On 23 January my Minister, Mr. Fred Mulley, made in this Committee a comprehensive statement (ENDC/PV.358) of my Government's views on the draft treaty tabled on 18 January (ENDC/192/Rev.1, 193/Rev.1). I should like today to add a few comments in the light of the discussion which has since taken place.

23. Allow me first to resubmit what has become known as the United Kingdom amendment. During the last session we proposed (ENDC/203) that article V of the draft treaty text presented on 24 August (ENDC/192, 193) should be amended so as to include the preamble in the purview of the review conference. The amendment was not adopted. However, since it seems to us to have merit and it has gained wide support, I should like to resubmit it today as an amendment to article VIII of the draft treaty text now before us.<sup>1/</sup>.

24. I shall submit no further amendments this morning. We feel that at this stage of our negotiations formal amendments should be kept to a minimum. However, I should like to comment briefly on the amendments already submitted by the Swedish delegation (ENDC/215, 216), and also on an ambiguity which seems to us to have crept into article VIII. In doing so I shall give one or two illustrative suggestions for textual improvement.

25. We have studied with interest the thoughtful and constructive proposals made by the representative of Sweden. In our view they would help to secure agreement on a more widely acceptable treaty text, and they have our broad support. I should like to comment, however, on some of the points involved.

26. The Swedish delegation has proposed a new preambular paragraph referring to the need for progress on the comprehensive test-ban treaty. As one of the original parties to the partial test-ban Treaty (ENDC/100/Rev.1), we welcome the opportunity to reaffirm our determination to work to that end.

27. The Swedish delegation has also proposed that article VI should provide that negotiations on effective measures to end the nuclear arms race should be pursued at an early date. We agree wholeheartedly. However, the article as amended by the insertion of the word "nuclear" before the word "disarmament" in the third line should, in our view, make it clear that we are referring not merely to unspecific negotiations on nuclear disarmament but to effective measures of nuclear disarmament. As an illustration of what I mean, I would suggest replacing the word "regarding" by "relating to" and inserting the word "to" before the words "nuclear disarmament". The article would then read:

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"Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control".

28. The third Swedish amendment submitted on 8 February (ENDC/215) provides in article VIII for periodic review conferences. We have taken the view in the past that periodic review conferences could cause instability; but we concede that the Swedish proposal, which provides for a majority decision, avoids much of that danger while giving the treaty additional flexibility. We should like to suggest a small change in the wording of the Swedish amendment which, while not affecting its substance, would bring paragraph 3 of article VIII into line with the existing language of paragraph 1 of the same article. Paragraph 3 would then read:

"At intervals of five years thereafter, if then requested to do so by a majority of the Parties to the Treaty, the Depositary Governments shall convene a further such conference at the same place and for the same purposes".

29. I need hardly say that the adoption of that Swedish proposal and the United Kingdom amendment resubmitted today would, taken together, bring the purposes of the preamble within the scope of successive review conferences.

30. While discussing article VIII, I should like to refer to the ambiguity in paragraph 2 mentioned at the beginning of my remarks. The membership of the Board of Governors of the International Atomic Energy (IAEA) changes every year. If the various depositary governments circulated an amendment on different dates and the membership of the Board changed between those dates, doubt might arise as to which parties to the treaty had to deposit their instruments of ratification to bring the amendment into force. A way of avoiding that difficulty might be to link membership of the Board of Governors to the date on which an amendment was first circulated by any of the depositary governments. As an illustration of the way this could be done, I should like to read the text of the first sentence of paragraph 2 as modified:

"Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which on the date the amendment is first circulated by any of the Depositary Governments are members of the Board of Governors of the International Atomic Energy Agency".

A similar modification would have to be made to the second sentence.

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31. Turning now to the amendments proposed by the representative of Sweden on 13 February (ENDC/216), we are happy to accept the omission of the words "by nuclear-weapon States" in the seventh preambular paragraph. The practical effect of this change is slight in view of the prohibition in article II of the acquisition of nuclear explosive devices by non-nuclear-weapon States parties to the treaty. However, we agree with the view that all unnecessary discriminatory references should be deleted, and feel that from a presentational point of view the amendment would be an improvement.

32. The next Swedish proposal, to omit the words "non-nuclear-weapon" at two points in article V, has practical significance for us and is welcome.

33. The other Swedish amendments relate to the bilateral option in article V. We agree that this article must not prejudice or prejudge the requirements of the comprehensive test-ban treaty. Our own view, however, is that even in its present form it does not. If the co-Chairmen should wish to see whether the point could be made more clearly, then it might be possible, for instance, for the article to be prefaced simply by a phrase to the effect that nothing in the article would prejudice the subsequent conclusion of a comprehensive test-ban treaty.

34. If we are to meet the General Assembly's request for a report by 15 March, we still have a good deal of work to do in quite a short time. I hope that my suggestions this morning will help us towards that end.

35. Mr. DePALMA (United States of America): I should like today to discuss various aspects of the draft treaty that have been raised by the representatives of Brazil, Canada, Ethiopia and Sweden.

36. I should like to turn first to article V, which has been the subject of numerous comments. We believe the present article provides the necessary assurance that the non-nuclear-weapon States parties to this treaty will receive the benefits of the peaceful applications of nuclear explosives on an equitable and non-discriminatory basis.

37. The representatives of Sweden (ENDC/PV.364, para. 17) and Canada (ENDC/PV.358, para. 62) have raised certain questions regarding the bilateral option contained in article V. They have suggested that it might, in some unspecified but presumably clandestine manner, be used to transfer weapons or weapon technology. We have made it abundantly clear that peaceful nuclear explosions must be accomplished within the restrictions of

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articles I and II, which prohibit nuclear-weapon parties from transferring, and non-nuclear-weapon parties from receiving, nuclear explosive devices, control over such devices, or assistance in their manufacture. Accordingly, neither the device itself nor nuclear explosive device technology could be obtained by a non-nuclear-weapon State.

38. This would be the case whether the peaceful nuclear explosion service is obtained by the non-nuclear-weapon State through a bilateral arrangement or through an appropriate international body. In either case, the explosive device would remain under the custody and control of the nuclear-weapon State performing the service. Additionally, I might point out in this connexion that the laws of the United States already prohibit any revelation of nuclear device design information or any transfer of nuclear explosive devices. I would further emphasize that private organizations or individuals in the United States are not permitted to develop, manufacture or acquire nuclear explosive devices. Therefore, we do not see how anyone could regard the carrying out of a project with nuclear explosions under the terms of this treaty as a means of subverting its basic purposes.

39. Nevertheless, a specific question has been raised as to whether bilateral arrangements would be subject to international observation. I should now like to answer that question.

40. International observation would apply to nuclear explosion services whether they are provided bilaterally or through an international body. As Mr. Foster stated on 21 March 1967:

"Such a service would consist of performing the desired nuclear detonation under appropriate international observation with the nuclear device remaining under the custody and control of the State which performed the service."

(ENDC/PV.295, para. 73)

There was no qualification in that statement with respect to the bilateral or international basis for providing the service as regards "appropriate international observation". The bilateral option or the international option will not provide, and cannot provide an opportunity for clandestine nuclear co-operation between nuclear and non-nuclear-weapon States. We believe that this assurance of "appropriate international observation", regardless of which option a non-nuclear-weapon State has utilized in obtaining these services, should further relieve any concern that the present article V would be inimical to the purpose of the treaty.

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41. Some speakers have wondered about the possibility of a discriminatory practice through the bilateral option, arising from the possibility that the demands for nuclear explosion services could outweigh the available supply of nuclear explosive devices; and they ask how priorities would be determined. To this I can reply that the United States does not foresee that there will be any scarcity of nuclear explosive devices once the peaceful applications of nuclear explosions become feasible. A sufficient number of explosive devices should be available to meet all foreseeable needs for these services, domestically, bilaterally or through an international body.

42. Furthermore, the option of obtaining the service either bilaterally or through an international body with adequate representation of non-nuclear-weapon States is a further positive assurance against discrimination. This flexibility would not in any way restrict or deny the non-nuclear-weapon parties to this treaty access to the nuclear explosion services on a non-discriminatory basis. Moreover, while the primary intent of this article is to ensure that the non-nuclear-weapon States parties to this treaty could have such services available in a non-discriminatory manner, the article does not in any way preclude the availability of such services to nuclear-weapon States.

43. I turn now to another question which has been raised concerning the provisions of article V. I refer to the question raised by Mrs. Myrdal in her intervention of 13 February. She said:

"We sincerely want to warn against anything in the present treaty being construed in such a way that it may impede the conclusion of a comprehensive test-ban treaty." (ENDC/PV.364, para. 10)

In our considered view, the present article V in no way poses a legal impediment to a comprehensive test-ban treaty. Whatever may be the system of rules or procedures that might be found desirable for the accommodation of the peaceful uses of nuclear explosions under a comprehensive test-ban treaty, these will not be, in our view, inconsistent with the present language of article V.

44. In the first sentence of article V it is stated that the --

"... benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty ..."

I wish to emphasize the phrase "appropriate international procedures". These "appropriate international procedures", once established and whatever the particular form they might take, would apply to both bilateral and multilateral projects. If,

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under a comprehensive test-ban treaty, international approval were needed for the conduct of a nuclear explosion for peaceful purposes, such approval would constitute an "appropriate international procedure" applicable to services conducted bilaterally or through an appropriate international body.

45. I should now like to refer briefly to the important statement made by the representative of Ethiopia at our meeting of 13 February. We are gratified by his comments concerning the new article V and by his reference to --

"... the continuous assurances maintained in this Committee by the nuclear-weapon Powers that they would do their utmost to see to it that all nations would have the possibility to draw on the benefit of the technology of peaceful nuclear explosive devices, in accordance with the provisions of this treaty."

(ibid., para. 46)

46. On that occasion Mr. Zelleke did raise the question of the extent to which the price charged for peaceful nuclear explosive services could be made to depart from what he termed conformity with "the well-known principle of the monopolistic price mechanism" (ibid., para.45). Regarding this question, I should like to emphasize two considerations that must not be overlooked. The first is that, in so far as "monopoly" means the exclusive provision by the present nuclear-weapon States of peaceful nuclear explosive devices, it is simply unavoidable if we are to achieve the treaty's purpose of halting proliferation. However, the mechanism for price setting will not be that of any "monopolistic price mechanism"; it is explicitly provided by article V that the explosive services should be non-discriminatory and that their cost should be as low as possible without any charge for research and development. I submit that it is difficult to envisage a more practical and effective method than this for meeting the concern to which the Ethiopian representative referred. I believe that the statement made yesterday by the representative of Canada underscored the economic advantages of the provisions of this article.

47. I should also like to inform this Committee that the guarantee of non-discrimination in the first sentence of article V means, among other things, that the charge for nuclear explosive devices provided by the United States for use internationally -- either through bilateral or multilateral arrangements -- will be as low as possible and will not in either case be any greater than the charge for the device to its own domestic users.

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48. I should like now to turn to the statement of 8 February (ENDC/PV.363) made by the representative of Brazil. Before commenting on some of his specific suggestions for changes in the draft text, I want to discuss his general approach to the negotiation of this treaty. That approach seems at first glance to call in question the very basis on which most of us are proceeding in our efforts to achieve the early conclusion of the treaty.

49. I myself do not believe that that was his intention. Nevertheless, one possible interpretation of his remarks would suggest that we should be formulating a much more comprehensive instrument, which ideally and strictly meets all the desiderata that have at various times been recommended as goals for our work by the General Assembly, rather than the draft now before us, which realistically reflects the broadest area of agreement now attainable. It is, of course, open to any member to question the premises upon which we are working. But at this late stage in our work it would be a rather serious matter if we were asked to reopen the choice most of us have already made in deciding to pursue seriously and with all reasonable speed the conclusion of this treaty.

50. In reviewing the principles set forth in resolution 2028(XX) of the General Assembly, for example, (ENDC/161) the representative of Brazil expressed the view that the revised draft texts submitted by the co-Chairmen were still deficient in that they did not prevent what has been termed "vertical" proliferation. That concept is one which only certain delegations have read into the Assembly resolution. However, the real question is simply whether we should delay the conclusion of the treaty until we can also reach agreement on certain measures of nuclear disarmament. That choice has already been made. Whilst we do not wish to delay the treaty, all of us wish to incorporate in it an unequivocal undertaking to pursue negotiations on measures to halt the nuclear arms race and to reduce nuclear arsenals. I recognize, of course, that differences remain as to how best to express this undertaking.

51. The representative of Brazil raised an additional point in that connexion. He wondered if nuclear-weapon parties were free to assist other nuclear-weapon States, whether or not parties to the treaty, in improving the sophistication of their nuclear weapon technology. We all know why it is not possible to include in this treaty actual limitations on the nuclear arms of the nuclear-weapon States. However, I believe we all know also why there is no real or significant danger of the kind to which he alluded.

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52. We consider to be quite remote the other danger which the representative of Brazil mentioned: namely, that a nuclear-weapon State might sign the treaty and then prevent its entry into force by refusing to ratify it. I am certain that our collective ingenuity would enable us to deal with that contingency should it arise.

53. The representative of Brazil also described article III as asking the non-nuclear-weapon States "to accept a blank system of control yet to be formulated" while on the other hand it did not require the nuclear-weapon States to accept controls on their activities for "non-military as well as military purposes" (ENDC/PV.363, para.43). In my statement yesterday I discussed why article III requires safeguards only for non-nuclear-weapon States. As I also explained yesterday, safeguards agreements would have to be concluded in accordance with the International Atomic Energy Agency (IAEA) Statute and safeguards system and would incorporate by reference pertinent parts of the Agency's safeguards system document. Therefore, I do not believe that it is a "blank system of control yet to be formulated".

54. Later in his statement the representative of Brazil portrayed the twenty-five-year initial duration period set out in the draft treaty as amounting to the abandonment -- at least for that period -- of the goal of general and complete disarmament and an admission that nuclear-weapon arsenals may increase during that period. We see no real basis for that view. On the contrary, we consider that this treaty will provide the greatest impetus and the most promising conditions possible for progress in limiting and reducing nuclear arsenals.

55. The representative of Brazil also asserted that the provisions of articles IV and V would, in effect, institutionalize the division of the world into a group of nations having a monopoly of the technology of nuclear explosives for warlike and peaceful purposes and others which would remain technologically dependent for a minimum initial period of twenty-five years. We are unable to accept this assessment of the draft treaty. Not only does the text make clear that its provisions must be applied so as not to hamper the technological development of the peaceful uses of atomic energy by all parties, but the very provisions which were cited, as well as the declarations of intention in the preamble, are designed to promote increased co-operation in the development of peaceful technology and will provide for the sharing of many benefits already developed by the nuclear-weapon States.

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56. The treaty precludes technological co-operation only in so far as the design and production of nuclear explosive devices are concerned. For reasons which I feel I need not reiterate -- and which, as others have noted, have never been refuted -- this restriction is inherent in a treaty which is designed to prevent the proliferation of nuclear weapons.

57. I must stress again the fallacy of assuming that there is continued "spin-off", or peaceful technology, to be derived from the production of nuclear explosive devices -- be they intended for warlike or peaceful purposes. The so-called peaceful "spin-off" was largely obtained long ago. Its civil applications have long since been, and will continue to be, made available to other countries.

58. Turning now to the specific amendments proposed by the representative of Brazil (ENDC/201/Rev.2), it is clear that most of them reflect the view of the Government of Brazil regarding the question of peaceful nuclear explosions. The reasons for incorporating in the treaty the prohibitions regarding peaceful nuclear explosive devices have been elaborated at great length already, and therefore I would not feel justified in taking the time of the Committee to repeat them. We continue to hope that in the end all will come to recognize the inescapable need for these provisions.

59. There has also been considerable discussion in the Committee as to why it has not been possible to include a more far-reaching undertaking in article VI, as was also suggested by the delegation of Brazil. Frankly, I do not see how it would be possible to consider a provision going beyond any other suggested here which would call for the negotiation of a treaty for the cessation of the nuclear arms race and for the eventual reduction and elimination of nuclear arsenals and the means of their delivery. Our experience with the difficulties involved in seeking step-by-step progress on individual measures of nuclear disarmament would hardly encourage us to try to deal with the matter in a general treaty.

60. The third paragraph of this amendment would include an undertaking to channel part of the savings from measures of nuclear disarmament through a United Nations fund, for the benefit of the scientific and technological development of developing countries. However praiseworthy its motivation may be, such a provision is really not germane to this treaty, and it raises complex issues which we have not discussed here.

(Mr. DePalma, United States)

61. I come to the amendment proposed by the representative of Brazil to article VII. Here we do not see the need for the change proposed, the main purpose of which is to incorporate a reference to the "obligations" of States parties to regional treaties on the proscription of nuclear weapons. The article already properly recognizes the right of States to conclude such treaties; but it is another matter to assert that "nothing in this treaty affects or shall be interpreted as affecting" rights or obligations under regional treaties. The problem which such language would pose is apparently recognized by the Brazilian delegation, because its amendment concludes with the phrase "consistent with the objectives of this treaty". It goes without saying that obligations undertaken in other treaties which are consistent with those under the present treaty would not be affected by this treaty. The language of this proposed amendment is therefore unnecessary and in our view it could create confusion.

62. The representative of Brazil also raised the question of the number of ratifications required under article IX to bring the treaty into force. This is a topic which, I recognize, is of concern to a number of delegations. For example, at our meeting of 13 February the representative of Ethiopia asked (ENDC/PV.364, para.52) for an explanation of the significance of the number forty which the co-Chairmen have inserted. The number forty was selected in order to ensure that, when the treaty comes into force, it will begin without dangerous delay to achieve its purpose of halting proliferation. Our experience under the limited test-ban Treaty (ENDC/100/Rev.1) is of considerable relevance. It required nine months to achieve thirty ratifications of that treaty, sixteen months for sixty ratifications, and two-and-a-half years to achieve eighty ratifications. Based on this experience, it is likely that, with forty ratifications required, at least one year will elapse between the time the non-proliferation treaty is opened for signature and the time it enters into force. We believe that an increase in the number would create an unnecessary delay, involving an unacceptable risk of further proliferation.

63. The United States has considered possibilities for establishing some qualitative rather than numerical standard for the countries whose ratification would be required for the treaty's entry into force. However, we have found no practical standard which would be free from controversy or ambiguity in its application. Moreover, the most serious difficulty often found in this type of approach is that it would provide a veto power over the treaty's entry into force to each and every one of the countries

(Mr. DePalma, United States)

coming within the standard proposed. On the other hand, the merit of requiring accession by forty unspecified non-nuclear countries, as well as by the signatory nuclear Powers, is that this will give ample opportunity for most or all of the non-nuclear-weapon countries with advanced civilian nuclear industries to adhere before entry into force, but without creating additional vetoes. I wish to reiterate in this connexion that countries may of course take into account the actions of other countries in making their decisions as to when to deposit their instruments of ratification.

64. Finally, I come to the amendment proposed by the representative of Brazil to article X, on withdrawal. Here the intention is to delete the requirement to give notice to the Security Council and to incorporate a reference not only to circumstances that have arisen but also to those that "may arise" and which "may" affect the supreme interests of a party.

65. I discussed the desirability of retaining the requirement for giving notice to the Security Council in my statement yesterday. As for the reference to circumstances that "may arise", we believe this would be an undesirable change because it could be interpreted as justifying withdrawal decisions based upon remote or purely hypothetical contingencies. The treaty would consequently be deprived of its stability as a reliable instrument for deterring the proliferation of nuclear weapons.

66. I have spoken again today because only a relatively brief period remains before we are due to send our report to the General Assembly, and we do believe that comments and suggestions made in this Committee should be given careful consideration.

67. Mr. de ARAUJO CASTRO (Brazil): I have listened to the remarks and comments, which deserve the utmost attention and consideration, made today in the Eighteen-Nation Committee on Disarmament by the representatives of Poland and the United States of America in connexion with the points of view advanced and the amendments proposed by the delegation of Brazil with the sole purpose of safeguarding what we consider to be the fundamental rights of the non-nuclear nations and of trying to bring the treaty more into conformity with the guiding principles recommended to us by the General Assembly of the United Nations (resolution 2028(XX); ENDC/161).

(Mr. de Araujo Castro, Brazil)

68. It is the considered view of my Government that all the members of this Committee are collectively responsible to the General Assembly for compliance with those principles, which are intended to secure an acceptable balance of obligations between the nuclear and the non-nuclear nations. While we appreciate and are gratified by the high level of today's debate, we wish to reserve the right to comment in due course on the arguments adduced by the representatives of Poland and the United States. We shall do so not for any polemical reasons but only because we are convinced that a thorough and ample debate is necessary if we are to achieve a balanced, fair, equitable and durable treaty which will be acceptable to the nations represented in the General Assembly of the United Nations.

69. My delegation will likewise devote its utmost attention to the important statement made today by the representative of the United Kingdom.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 369th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador N. Ecobesco, representative of Romania.

"Statements were made by the representatives of Poland, the United Kingdom, the United States and Brazil.

"The delegation of the United Kingdom tabled an amendment to the third paragraph of article VIII of the draft treaty on the non-proliferation of nuclear weapons (ENDC/203/Rev.1).

"The next meeting of the Conference will be held on Tuesday, 27 February 1968, at 10.30 a.m."

The meeting rose at 11.50 a.m.